

86-474, §1(1), May 14, 1960, 74 Stat. 144; Pub. L. 92-451, §1(1), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-417, §2(1), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 98-557, §15(a)(3)(B), (C), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-145, title V, §514(a)(2), Nov. 8, 1985, 99 Stat. 628; Pub. L. 103-337, div. A, title V, §541(f)(4), Oct. 5, 1994, 108 Stat. 2766; Pub. L. 114-120, title II, §201(a), Feb. 8, 2016, 130 Stat. 33; renumbered §301, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

HISTORICAL AND REVISION NOTES
1949 ACT

Based on title 14, U.S.C., 1946 ed., §§5, 9, 21 (Apr. 12, 1902, ch. 501, §1, 32 Stat. 100; Jan. 28, 1915, ch. 20, §2, 38 Stat. 801; May 18, 1920, ch. 190, §8, 41 Stat. 603; June 5, 1920, ch. 235, §1, 41 Stat. 879; Jan. 12, 1923, ch. 25, §§1, 2, 42 Stat. 1130; July 3, 1926, ch. 742, §§3, 9, 10, 44 Stat. 815, 817).

The grades of vice admiral and rear admiral are added to make provision for the commissioned officer personnel structure of the service as provided for in this revision. The entire rating structure for enlisted men is left to the administrative discretion of the Secretary, as in the past, for reasons of flexibility.

The last two paragraphs of said section 5 are obsolete and have been omitted.

Changes were made in phraseology. 81st Congress, House Report No. 557.

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
41	14:41. 34:135a(a) (less last sentence, as applicable to temporary appointments).	Aug. 4, 1949, ch. 393, §1(41), 63 Stat. 497. May 29, 1954, ch. 249, §3(a) (less 3d and last sentences, as applicable to temporary appointments), 68 Stat. 157.

Editorial Notes

PRIOR PROVISIONS

A prior section 301, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to permanent appointment of warrant officers, prior to repeal by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See section 571 et seq. of Title 10, Armed Forces.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 41 of this title as this section.

2016—Pub. L. 114-120 substituted “admirals (two);” for “an admiral.”

1994—Pub. L. 103-337 substituted “chief warrant officers; cadets; warrant officers;” for “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;”

1985—Pub. L. 99-145 substituted “rear admirals (lower half)” for “commodores”.

1984—Pub. L. 98-557 substituted “members” for “men” in two places.

1983—Pub. L. 97-417 inserted “commodores;” after “rear admirals;”

1972—Pub. L. 92-451 substituted “vice admirals” for “a vice admiral”.

1960—Pub. L. 86-474 inserted the grade of admiral.

1956—Act Aug. 10, 1956, repealed and reenacted section by general amendment thereby substituting “chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2” for “commissioned warrant officers”, and “warrant officers, W-1” for “warrant officers”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see

section 541(h) of Pub. L. 103-337, set out as a note under section 571 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

§ 302. Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The term of an appointment, and any reappointment, shall begin on June 1 of the appropriate year and end on May 31 of the appropriate year, except that, in the event of death, retirement, resignation, or reassignment, or when the needs of the Service demand, the Secretary may alter the date on which a term begins or ends if the alteration does not result in the term exceeding a period of 4 years. The Commandant shall be appointed from the officers on the active duty promotion list serving above the grade of captain who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 498, §44; Pub. L. 86-474, §1(3), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, §1(3), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(3), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, §1(3), Oct. 2, 1972, 86 Stat. 755; Pub. L. 113-281, title II, §202, Dec. 18, 2014, 128 Stat. 3024; renumbered §302, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §11 (Apr. 16, 1908, ch. 145, §§1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; Jan. 12, 1923, ch. 25, §2, 42 Stat. 1130; Apr. 23, 1930, ch. 211, 46 Stat. 253; June 9, 1937, ch. 309, §1, 50 Stat. 252; June 6, 1940, ch. 257, §1(a), 54 Stat. 246).

Said section has been divided. The provisions of the first proviso are placed in section 45 of this title, and the remainder is placed in this section.

The grade of the Commandant is fixed as vice admiral rather than that prescribed for Bureau Chiefs of the Navy. The additional qualifications that an officer appointed Commandant must have at least 10 years commissioned service in the Coast Guard has been inserted. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 302, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to temporary appointments of warrant officers, prior to repeal by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

AMENDMENTS

2018—Pub. L. 115-282 renumbered section 44 of this title as this section.

2014—Pub. L. 113-281 inserted after first sentence “The term of an appointment, and any reappointment, shall begin on June 1 of the appropriate year and end on May 31 of the appropriate year, except that, in the event of death, retirement, resignation, or reassignment, or when the needs of the Service demand, the Secretary may alter the date on which a term begins or ends if the alteration does not result in the term exceeding a period of 4 years.”

1972—Pub. L. 92-451 substituted “above the grade of captain” for “in the grade of captain or above” in second sentence.

1966—Pub. L. 89-444 struck out provision that the position of an officer appointed Commandant be filled by promotion according to law.

1963—Pub. L. 88-130 substituted “officers on the active duty promotion list serving in the grade of” for “active list of officers who hold a permanent commission as”, required qualifying period of 10 years commissioned service to be “active” service, and struck out “, pay, and allowances” before “of admiral”.

1960—Pub. L. 86-474 substituted “active list of officers” for “active list of line officers”, “captain or above” for “commander or above”, and “allowances of admiral” for “allowances of vice admiral”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF HIGHER GRADE AND INCREASED PAY AND ALLOWANCES

Pub. L. 86-474, § 2, May 14, 1960, 74 Stat. 146, provided that: “The increased grade of admiral for the Commandant and vice admiral for the Assistant Commandant [now Vice Commandant], including the pay and allowances applicable to such grades, shall be effective on the first day of the month following enactment of this Act [May 14, 1960].”

SAVINGS PROVISION

Pub. L. 86-474, § 3, May 14, 1960, 74 Stat. 146, provided that: “Except as provided by section 2 [set out as a note under this section], the amendments by section 1 [amending sections 41, 42, 44, 46, 47, 186 to 191, 222, 247(c), 365, and 462 of this title, and repealing sections 45, 48, and 49 of this title] shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant [now Vice Commandant], and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act [May 14, 1960], nor to divest them of their offices for the terms appointed.”

§ 303. Retirement of Commandant or Vice Commandant

(a)(1) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d) of this title.

(2) A Vice Commandant who is retired while serving as Vice Commandant, after serving not less than 2 years as Vice Commandant, shall be retired with the grade of admiral, except as provided in section 306(d).

(b) A Commandant or Vice Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.

(c) An officer who is retired prior to the expiration of the officer’s term, while serving as Commandant or as an officer serving as Vice Commandant who has served less than 2 years as Vice Commandant, may, in the discretion of the President, be retired with the grade of admiral.

(d) Retirement under this section is subject to section 2501(a) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499, § 46; Pub. L. 86-474, § 1(5), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, § 1(4), Sept. 24, 1963, 77 Stat. 175; Pub. L.

89-444, § 1(4), (5), June 9, 1966, 80 Stat. 195; Pub. L. 97-295, § 2(1), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, § 205(b)(1), July 1, 1986, 100 Stat. 699; Pub. L. 103-206, title II, § 204(a), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 114-120, title II, § 209(2), Feb. 8, 2016, 130 Stat. 40; Pub. L. 115-232, div. C, title XXXV, § 3528(a), Aug. 13, 2018, 132 Stat. 2318; renumbered § 303 and amended Pub. L. 115-282, title I, §§ 104(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4196, 4240; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8201(a), Jan. 1, 2021, 134 Stat. 4641; Pub. L. 117-263, div. K, title CXII, § 11240, Dec. 23, 2022, 136 Stat. 4039.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 161 (Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; June 25, 1936, ch. 808, 49 Stat. 1924; June 9, 1937, ch. 309, § 1, 50 Stat. 252; June 6, 1940, ch. 257, § 1(a), 54 Stat. 246).

Provision is added for retirement of the Commandant with the grade and pay of vice admiral after 3 years service, in the discretion of the President, regardless of total length of service. Provision is also added for retirement with the grade and pay of vice admiral in case of physical disability. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 303, act Aug. 4, 1949, ch. 393, 63 Stat. 518, required compulsory retirement of warrant officers reaching age of sixty-two years, with retired pay of grade with which retired, prior to repeal by act May 29, 1954, ch. 249, § 20(o), 68 Stat. 167, and by Pub. L. 88-130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177.

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-263, § 11240(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “A Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d).”

Subsec. (c). Pub. L. 117-263, § 11240(2), substituted “or as an officer serving as Vice Commandant who has served less than 2 years as Vice Commandant” for “or Vice Commandant”.

2021—Subsec. (d). Pub. L. 116-283 added subsec. (d).

2018—Pub. L. 115-282, § 104(b), renumbered section 46 of this title as this section.

Pub. L. 115-232, § 3528(a)(1), inserted “or Vice Commandant” after “Commandant” in section catchline.

Subsec. (a). Pub. L. 115-282, § 123(b)(2), substituted “section 306(d)” for “section 51(d)” in pars. (1) and (2).

Pub. L. 115-232, § 3528(a)(2), (3), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 115-232, § 3528(a)(4), inserted “or Vice Commandant” after “Commandant”.

Subsec. (c). Pub. L. 115-232, § 3528(a)(4), (5), inserted “or Vice Commandant” after “Commandant” and substituted “the officer’s” for “his”.

2016—Subsec. (a). Pub. L. 114-120 substituted “section” for “subsection”.

1993—Subsec. (a). Pub. L. 103-206 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade of admiral.”

1986—Pub. L. 99-348 struck out “and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant” after “admiral” in subssecs. (a) to (c).

1982—Subsec. (a). Pub. L. 97-295 substituted “Commandant” for “commandant”.

1966—Subsec. (c). Pub. L. 89-444, § 1(4), removed requirement that the Commandant serve 2½ years as